

# MINUTES



# County of Inyo Board of Supervisors

**October 18, 2016**

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:30 a.m., on October 18, 2016, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Jeff Griffiths, presiding, Dan Tothoroh, Rick Pucci, Mark Tillemans, and Matt Kingsley.

- PUBLIC COMMENT** Chairperson Griffiths asked for public comment and there was none.
- CLOSED SESSION** Chairperson Griffiths recessed open session at 8:35 a.m. to convene in closed session with all Board members present to discuss the following items: No. 2 **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9 (one case); and No. 3 **CONFERENCE WITH LABOR NEGOTIATORS** [Pursuant to Government Code §54957.6] – Employee Organizations: Deputy Sheriff’s Association (DSA); Elected Officials Assistant Association (EOAA); Inyo County Correctional Officers Association (ICCOA); Inyo County Employees Association (ICEA); Inyo County Probation Peace Officers Association (ICPPOA); Law Enforcement Administrators’ Association (LEAA). Unrepresented employees: all. Agency designated representatives: County Administrative Officer Kevin Carunchio, Assistant County Administrator Rick Benson, Deputy Personnel Director Sue Dishion, Senior Deputy County Counsel Brandon Shults, County Counsel Marshall Rudolph, and Assistant County Counsel John Vallejo.
- OPEN SESSION** Chairperson Griffiths recessed closed session and reconvened the meeting in open session at 10:03 a.m. with all Board members present.
- PLEDGE** Supervisor Tillemans led the pledge of allegiance.
- REPORT ON CLOSED SESSION** County Counsel Marshall Rudolph reported that no action was taken during closed session that is required to be reported. The Board had not finished its closed session business, however, and would recess to closed session later in the meeting to continue discussions.
- PUBLIC COMMENT** Chairperson Griffiths asked for public comment and there was none.
- COUNTY DEPARTMENT REPORTS** Chairperson Griffiths asked for Department Head Reports and there were none.
- CORONER CONTRACT WITH ORANGE COUNTY** Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve a five-year agreement between the County of Orange and the County of Inyo for the provision of supplemental autopsy services in an amount not to exceed \$35,000 for the period of February 1, 2017 through January 31, 2022, contingent upon future budgets, and authorize the Chairperson to sign all three agreements. Motion carried unanimously.
- COUNTY COUNSEL BIENNIAL CONFLICT OF INTEREST REPORTS FOR LOCAL AGENCIES** Moved by Supervisor Kingsley and seconded by Supervisor Pucci to: 1) receive the 2016 Conflict of Interest Code Biennial Reports from the following Local Agencies (Exhibits A.1. through A.12.): A.1. Big Pine Cemetery, A.2. Eastern Sierra Community Service District, A.3. Independence Cemetery District, A.4. Independence Fire Protection District, A.5. Indian Creek-Westridge Community Services District, A.6. Keeler Community Service District, A.7. Lone Pine Community Services District, A.8. Northern Inyo Healthcare District, A.9. Owens Valley Unified School District, A.10. Round Valley Joint Elementary School District, A.11. Southern Inyo Fire Protection District, A.12. Southern Inyo Healthcare District; and 2) approve the amended Conflict of Interest Code for the following Local Agencies (Exhibits B.1.-B.3): B.1. Eastern Sierra

Community Services, District B.2. Northern Inyo Healthcare District, B.3. Southern Inyo Healthcare District. Motion carried unanimously.

**COUNTY COUNSEL  
BIENNIAL CONFLICT  
OF INTEREST  
REPORTS FOR  
COUNTY DEPTS.**

Moved by Supervisor Kingsley and seconded by Supervisor Pucci to: 1) receive the 2016 Conflict of Interest Code Biennial Reports from the following County Departments (Exhibits A.1. through A.11.): A.1. Administration, A.2. Agriculture/Weights and Measures, A.3. Assessor, A.4. Auditor, A.5. Child Support Services, A.6. Coroner, A.7. Environmental Health, A.8. Farm Advisor, A.9. Health and Human Services, A.10. Public Administrator/Public Guardian, A.11. Public Works; 2) receive and approve the amended Conflict of Interest Code for the following County Departments (Attachments B.1. through B.8.): B.1. Administration, B.2. Agriculture/Weights and Measures, B.3. Assessor, B.4. Child Support Services, B.5. Environmental Health, B.6. Health and Human Services, B.7. Public Guardian/Public Administrator, B.8. Public Works. Motion carried unanimously.

**HHS – ESAAA  
ADVISORY COUNCIL  
APPOINTMENTS**

Moved by Supervisor Kingsley and seconded by Supervisor Pucci to reappoint the following four residents to the ESAAA Advisory Council to fill four, two-year terms expiring December 11, 2018: Harriett Davis-Stines of Bishop, Phyllis Mikalowsky of Lone Pine, Rachel Lober of Bishop, and Roger Rasche of Lone Pine. (A Notice of Vacancy resulted in requests for appointment being received only from Davis-Stines, Mikalowsky, Lober, and Rasche.) Motion carried unanimously.

**HHS PAYMENT TO NIH  
FOR JAIL INMATE  
INPATIENT**

Moved by Supervisor Kingsley and seconded by Supervisor Pucci to ratify approval of payment of \$26,026.96 to Northern Inyo Hospital for inpatient medical services provided to an Inyo County inmate in a prior fiscal year. Motion carried unanimously.

**PUBLIC WORKS  
PREFERRED SEPTIC  
CONTRACT  
AMENDMENT 6**

Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve Amendment No. 6 to County of Inyo Standard Contract No. 113, between the County of Inyo and Preferred Septic of Bishop, CA, extending the term three months to December 31, 2016 and for additional service needs increasing the contract by \$9,068.61 for a not-to-exceed amount of \$147,656.16; and B) authorize the Chairperson to execute Amendment No. 6, contingent upon obtaining appropriate signatures and adoption of future budgets. Motion carried unanimously.

**PUBLIC WORKS  
ASSOCIATE BUILDING  
OFFICIAL AT STEP E**

Moved by Supervisor Kingsley and seconded by Supervisor Tothoroh to authorize the filling of the vacant Associate Building Official Position at Step E, Range 80 (\$5,559 - \$6,761). Motion carried unanimously.

**D.A. CHIEF  
INVESTIGATOR**

Moved by Supervisor Tillemans and seconded by Supervisor Pucci for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the requested Chief Investigator position exists, as certified by the District Attorney and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates meet the qualifications for the position of Chief Investigator, the vacancy could be filled through a closed departmental recruitment; and C) approve the hiring of one Chief Investigator, Range SC81-SE81 (\$6,363 - \$8,616), through a closed recruitment. Motion carried unanimously.

**D.A. DEPUTY  
DISTRICT  
ATTORNEY I-IV**

Moved by Supervisor Tothoroh and seconded by Supervisor Kingsley for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the requested Deputy District Attorney I-IV position exists, as certified by the District Attorney and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates may meet the qualifications for the position and the position could possibly be filled by an internal recruitment, an open recruitment is more appropriate to ensure the position is filled with the most qualified candidate; and C) approve the hiring of a Deputy District Attorney I at Range 81 (\$5,692 - \$6,921), Deputy District Attorney II at Range 83 (\$5,983 - \$7,270), Deputy District Attorney III at Range 86 (\$6,436 - \$7,822), or Deputy District Attorney IV at Range 89 (\$6,931 - \$8,417), depending on the qualifications of the applicants, up to Step E. Motion carried unanimously.

**HHS ANNE BYBEE  
CONTRACT  
RATIFICATION**

Moved by Supervisor Tillemans and seconded by Supervisor Pucci to ratify and approve the contract between the County of Inyo and Anne M. Bybee in the amount of \$15,000 for the period of July 1, 2016 to June 30, 2017 for facilitation of disaster preparedness exercises to test and improve the HHS Public Health Division's Government Authorized Alternate Care Site plan, and authorize the Chairperson to sign. Motion carried unanimously.

*PLANNING REVIEW  
OF WEST-WIDE  
ENERGY CORRIDORS  
& CORRESPONDENCE*

The Board was asked to review the West-wide Energy Corridors Region 1 Review and draft correspondence in regards thereto, and authorize the Chairperson to sign. According to Senior County Planner Cathreen Richards, the project is a result of the Energy Policy Act of 2005 that mandates federal agencies in 11 western states to designate corridors to oil, gas, and hydrogen pipelines, as well as electricity transmissions and distribution facilities. The project is currently in a review phase, with the federal agencies reviewing the first of five regions designated across the 11 states. The review follows the release of a study that examines whether the corridors are achieving their purpose. That purpose, according to the Energy Policy Act, is to promote environmentally friendly corridor-siting decisions and to reduce proliferation of energy towers and lines across federal lands. Richards explained that while only a small portion of the main corridor running through the Owens Valley is located within Region 1, she said and the Board agreed it was wise to give the agencies a preview of their comments on Region 5, which covers a lot of ground in the valley and the Alabama Hills and which will be up for review in 2018. The Board discussed concerns over aesthetics and proliferation of towers in the Owens Valley. Supervisor Totheroh said visual impacts are critical and he didn't personally know which would be more intrusive, towers to the east or west. Richards noted that from what the Planning Department heard during the Renewable Energy General Plan Amendment was that constituents would rather have solar projects on the east side if there had to be any. Supervisor Tillemans said it's reasonable to upgrade existing power lines but adding anything new is contrary to the REGPA process the County completed. Chairperson Griffiths said the letter should include comments about proliferation and aesthetic concerns and giving the federal agencies a head's up that the County is going to have grave concerns about Region 5. Supervisor Tillemans suggested attaching portions of REGPA to the letter. Supervisor Kingsley said his constituents might not want towers on the east side of the valley, creating a blight in front of the Inyos. Supervisor Tillemans clarified that the current corridor runs along both sides of the valley and the proposal is to add a new corridor to federal lands on the west side. Richards agreed but pointed out that it's unknown which way the government agencies will decide to go on LADWP lands. Chairperson Griffiths noted that he thought the analysis was incomplete in several areas and suggested the letter request a visit from a representative of the West-wide Energy Corridors Region 1 Review visit the Board to provide more information. Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to authorize the sending and signing of the letter by the Chairperson with the changes discussed. Motion carried unanimously.

*PLANNING REVIEW  
OF BISHOP TRIBE  
CASINO/HOTEL  
PROJECT &  
CORRESPONDENCE*

The Board was asked to review the Environmental Assessments for the Bishop Paiute Hotel and Business Incubator and the Bishop Paiute Casino Project, draft correspondence in regards thereto, and authorize the Chairperson to sign. The Board of Supervisors entered a lengthy discussion about the two projects and their respective Environmental Assessments. At issue, according to Planning Director Josh Hart, were five concerns with the project, specifically related to water resources, transportation and traffic, recycling operations, added law enforcement costs for the Sheriff's Department, and impacts to the County's environmental health services in the event of an emergency or spill. Hart described the project: a hotel that's proposed to be a 60-room facility with a business incubator and associated parking. The casino project includes overall modernization of the building, adding 22,360 square feet, going from 300 slot machines to 500, adding card and table games, and building a new 75-seat restaurant, 75-seat bar area, 150-seat conference hall, newly upgraded offices and additional service and employee use areas. Earl Wilson of Lone Pine noted that the project takes care to preserve the night sky but language in its regard in the assessments can be strengthened. Supervisor Pucci said he attended the meetings for the projects and they were indeed treated as separate projects, with the incubator project being much more controversial for the Tribe internally. He wondered whether one project could move forward without the other. Hart said it seemed like a matter of semantics, looking at the project plans. Supervisor Mark Tillemans said that in addition to the Sheriff's added costs, it was important to note that Indian Gaming funds that once helped the County partially offset costs related to the casino are no longer available. Tillemans also suggested that the issue of lost bed tax revenue be given more emphasis in the County's response to the Environmental Assessments. The rest of the Board agreed. Treasurer-Tax Collector Alisha McMurtrie noted that in larger counties where there are larger casinos, it is usual practice for the County and the Tribe to have an arrangement whereby the Casino collects bed tax from its non-Native guests and remits it to the County. CAO Kevin Carunchio suggested that the Board go ahead and request the Tribe consider such an agreement. County Counsel Marshall Rudolph pointed out the tax is on the guest, not the Tribe or the hotel. Carunchio suggested language to make it clear the County was in no way asking to tax the Tribe or its hotel. Moved by Supervisor Totheroh and seconded by Supervisor Pucci to

authorize the Chairperson to sign a comment letter including the following additions: a compliment to the Tribe for its environmental work on aesthetics and air quality, a request that the Tribe augment mitigation measures to address night sky issues, emphasis that the County has always been under-funded for impacts caused by the casino and those previously available mitigation funds are no longer available; a sixth bullet point to address the TOT issue; a request that the Tribe enter into a TOT remittance agreement with the County; and language that makes it clear the tax is levied on non-native hotel guests only. Motion carried unanimously.

*RECESS/RECONVENE  
– CAPITAL ASSET  
LEASING CORP.*

Chairperson Griffiths recessed the Board of Supervisors meeting at 11:46 a.m., to convene as the Capital Asset Leasing Corporation to conduct the Corporation's Annual Meeting The Chairperson reconvened the Board of Supervisors Meeting in open session at 11:50 a.m., with all Board Members present. (Minutes for this meeting have been prepared separately and are scheduled to be approved at the 2017 meeting of the Capital Asset Leasing Corporation.)

*SEASONAL PART-  
TIME PARK AND  
CAMPGROUND  
MAINTENANCE  
HELPER*

Moved by Supervisor Kingsley and seconded by Supervisor Totheroh for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for a Seasonal Part-Time Park and Campground Maintenance Helper comes from the General Fund, as certified by the Assistant Deputy County Administrator and concurred with by the Auditor-Controller; B) where, due to the seasonal nature of the position it is unlikely that the position could be filled by internal candidates meeting the qualifications for the position, an open recruitment is more appropriate to ensure qualified applicants apply; C) approve the hiring of one (1) Seasonal Park and Campground Maintenance Helper, Range PT50 (\$14.75 - \$17.91), contingent upon adoption of future budgets; and D) approve the season of November through April for this position. Motion carried unanimously.

*GULLY WASHER  
EMERGENCY*

Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to continue the local emergency known as the "Gully Washer Emergency" that resulted in flooding in the central, south and southeastern portion of Inyo County during the month of July, 2013. Motion carried unanimously.

*LAND OF EVEN LESS  
WATER EMERGENCY*

Moved by Supervisor Totheroh and seconded by Supervisor Pucci to continue the local emergency known as the "Land of EVEN Less Water Emergency" that was proclaimed as a result of extreme drought conditions that exist in the County. Motion carried unanimously.

*DV DOWN BUT NOT  
OUT EMERGENCY*

Moved by Supervisor Pucci and seconded by Supervisor Kingsley to continue the local emergency known as the "Death Valley Down But Not Out Emergency" that was proclaimed as a result of flooding in the central, south and southeastern portion of Inyo County during the month of October, 2015. Motion carried unanimously.

*BOARD CLERK –  
AMEND MINUTES AND  
BOARD ORDER*

Moved by Supervisor Totheroh and seconded by Supervisor Pucci to amend the September 6, 2016 Board Order regarding the Board's Fiscal Year 2016-2017 Budget Hearing discussion to include the Board motion with the CAO's specific recommendations; and B) amend the minutes of the September 6, 2016 Budget Hearing, final paragraph, beginning at line 12, to include the motion with the CAO's specific recommendations. Motion carried unanimously.

*PUBLIC COMMENT II*

Earl Wilson of Lone Pine shared the good news with the Board that there was snow on top of the local mountain peaks this morning. He also mentioned a land-grab by the military in Nevada that would make an area the size of 12 Owens Lakes completely off-limits to the public.

*BOARD AND STAFF  
REPORTS*

Supervisor Kingsley said he was a working on a proposal involving the Alabama Hills legislation which is in a lame duck session. He said he asked CAO Carunchio to consider a trip to Washington, D.C. with him to take advantage of the lack of activity to promote the bill. He said there was a chance they'd be there at the right time, around November 16, to help the legislation get through.

Chairperson Griffiths reported that the City of Bishop released its State of the City Report. He also said that, as Board Chair, he would like to accompany Mr. Kingsley on the D.C. trip.

Supervisor and Vice Chair Tillemans said he supported both of them going to D.C. He asked whether there would be the opportunity to discuss other initiatives before they left, so they could convey the County's feelings on those issues as well. CAO Carunchio said he thought the expectation was there would be a Board discussion before the trip, and Supervisor Pucci advised them to keep an eye on the omnibus bill while they were there to see if Rep. Cook's

legislation was being added to it.

Supervisor Tillemans reported on the past weekend's District 4 Inyo County sesquicentennial celebrations, including the Carson and Colorado Railroad Company rolling out the historic No. 18 engine and the Big Pine Civic Club hosting a Heritage Dinner and Cemetery Walk. He said both he and CAO Carunchio spoke at the dinner. The Civic Club, which used to give out an annual Citizen of the Year award, made up for its hiatus by naming Bob Steele Citizen of the Decade.

CAO Carunchio said he thought the two communities' celebrations represented a great day for the County, especially when the No. 18 was rolled out at Dehy Park. He said it was a great feeling so see the engine working again after all these years and all the hard work of the Carson & Colorado volunteers. He said one of the people who got to ride it during the brief test run was Elsie Ivey, who told him the last time she rode that locomotive was 62 years ago with her grade school class when it was decommissioned at Laws.

Supervisor Tillemans asked that the meeting be closed in honor of Independence resident Bruce Ivey, who recently passed. Tillemans called Ivey not just an Independence icon but an Inyo County icon. He was remembered as a man who devoted himself to good causes throughout the area.

*CLOSED SESSION* Chairperson Griffiths recessed the meeting to convene in closed session at 12:10 p.m.

*OPEN SESSION* Chairperson Griffiths reconvened the meeting to open session at 12:53 p.m. with all Board members present.

*REPORT ON CLOSED SESSION* County Counsel Rudolph reported that no action was taken during closed session that is required to be reported.

*ADDITIONAL BOARD REPORT* Supervisor Tillemans reported on an issue affecting his constituents as well as Supervisor Kingsley's. He said Yosemite National Park will waive the gate fee for residents of Mammoth and Bishop, and sometimes for other Inyo County residents but the waiver is inconsistent for anyone living south of Bishop. He said he was wondering if he could work with Supervisor Kingsley to request a fee policy that extends the waiver to residents beyond Bishop. CAO Carunchio said it would be a good idea to bring a letter to the National Park Service back for Board approval.

*ADJOURNMENT* Chairperson Griffiths adjourned the meeting at 12:57 p.m. in honor of Bruce Ivey, with the Board scheduled to meet again on October 25, 2016 at 8:30 a.m. at the County Administrative Center, Independence.

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Chairperson, Inyo County Board of Supervisors

*Attest: KEVIN D. CARUNCHIO  
Clerk of the Board*

by: \_\_\_\_\_  
*Darcy Ellis, Assistant*